

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
<b>v.</b>	)	<b>No. 3:04cr0016AS</b>
	)	
<b>DAVID G. LITTLE</b>	)	
*****	)	
<b>DAVID G. LITTLE,</b>	)	
	)	
<b>Petitioner</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:06cv232AS</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent</b>	)	

***MEMORANDUM, OPINION AND ORDER***

This court takes full judicial notice of the entire record in this case since March 2, 2004. On April 5, 2006, this defendant, David G. Little, appearing pro se, filed a motion for relief under 28 U.S.C. §2255. The United States of America filed a response on December 15, 2006. It need to be remembered that no direct appeal from the sentence imposed in this case at a time when Mr. Little was being represented by a very competent attorney.

Obviously, it is this court's obligation to deal carefully with pleas of guilty under Rule 11 of the Federal Rules of Criminal Procedure, and that was done here. Additionally, there is a specific waiver of the right to file proceedings under 28 U.S.C. §2255 which was dealt

with carefully by this court. This is an unconditional guilty plea, as defined in *United States v. Dillegas*, 388 F.3d 317 (7th Cir. 2004). That guilty plea waives the right to challenge the constitutionality of the statute underlying the charge. *See Brady v. United States*, 397 U.S. 742 (1970). With all deference, there is no merit to this *pro se* petitioner's action under 28 U.S.C. §2255, and such is **DENIED**. The *pro se* motions filed on November 6, 2006 are likewise **DENIED**. **IT IS SO ORDERED**.

**DATED:** December 20, 2006

**S/ ALLEN SHARP**

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**ALLEN SHARP, JUDGE**

**UNITED STATES DISTRICT COURT**